

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RUSSELL SCOTT FARIA,

Plaintiff,

v.

SERGEANT RYAN J. McCARRICK, *et al.*

Defendants.

Case No. 4:16-CV-01175-JAR

**PLAINTIFF'S DEPOSITION QUESTIONS
TO PAMELA HUPP**

Comes now Plaintiff Russell Scott Faria, by counsel W. Bevis Schock, Joel Schwartz and Nathan Swanson, and states for his Fed.R.Civ.P. 31 deposition questions to Pamela Hupp:

1. What is your full name?

Answer: _____

2. During your interviews with law enforcement officers in the days after the murder of Elizabeth "Betsy" Faria why did you state several times that there was a letter on Betsy Faria's computer which the officers should investigate?

Answer: _____

3. Did any law enforcement Officers or Prosecuting Attorney Leah Askey ever ask you if you contributed in any way to the drafting of that letter?

Answer: _____

4. If you answered yes to the last question:

a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

5. How did that letter come to be on Betsy Faria's laptop?

Answer: _____

6. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you participated in any way to that letter being on Betsy Faria's laptop?

Answer: _____

7. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

8. Why does the metadata related to that letter indicate "author unknown?" when all other documents on Betsy Faria's computer indicated that she was the author?

Answer: _____

9. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you about the details related to the problems which you have asserted that you and Betsy had with her computer and/or printer when trying to print that letter?

Answer: _____

10. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

11. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you about any information you have as to why Betsy Faria had trouble emailing that letter?

Answer: _____

12. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

13. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you about any information you have as to why the letter was in the form of a document instead of in the form of an e-mail?

Answer: _____

14. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

15. When you were interviewed on December 28, 2011, the morning after the murder and then again on the evening of December 29, 2011 was it your intention to draw law enforcement's intention to Russ Faria as a suspect in the murder of Betsy Faria?

Answer: _____

16. You stated to law enforcement during the first of those interviews that Russ Faria and Betsy Faria had separated approximately 6 - 7 times. Did any law enforcement officer or Prosecuting Attorney Leah Askey ask you what was your source of that information?

Answer: _____

17. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

18. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you whether you heard Betsy Faria speak on the phone with her daughter, Leah Day, while you were at the Faria residence on the evening of December 27, 2011?

Answer: _____

19. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

20. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you whether, while you were at the Faria residence, you heard Betsy Faria's phone ring and she did not answer it?

Answer: _____

21. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

22. Did any law enforcement officers ever record any voice mails on your phone which had come in during December 27, 2011?

Answer: _____

23. If you answered yes to the last question did any law enforcement officers or Prosecuting Attorney Leah Askey ever give you a reason why no such recordings were ever made?

Answer: _____

24. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was or were the dates you were asked the question, including the relative date between the question(s) and the first trial? and

Answer: _____

- c. What was the substance of the conversation(s)?

Answer: _____

25. Did any law enforcement officers or Prosecuting Attorney Leah Askey make any requests of any kind to you related to the disposition of the State Farm life insurance proceeds you received on Betsy's life?

Answer: _____

26. If you answered yes to the last question, for each such occasion:

a. What is the name of each such person who made such request?

Answer: _____

b. When did such request(s) occur?

Answer: _____

c. What was the substance of the conversations?

Answer: _____

27. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you had ever received or ever had in your possession any written instructions from Betsy Faria as to what to do with the life insurance proceeds?

Answer: _____

28. If you answered yes to the last question:

a. What is the name of each such person who asked you that question?

Answer: _____

b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

c. What was the substance of the conversations?

Answer: _____

29. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to set up any kind of trust fund for Betsy Faria's daughters with those life insurance proceeds?

Answer: _____

30. If you answered yes to the last question:

a. What is the name of each such person who made such request?

Answer: _____

b. What was the date of each such request, including the relative date between the request and the first trial? and

Answer: _____

c. What was the substance of the conversations?

Answer: _____

31. If you answered yes to the question before last did any law enforcement Officers or Prosecuting Attorney Leah Askey ever ask you what attorney you went to for the purpose of having the trust set up?

Answer: _____

32. If you answered yes to the last question:

a. What is the name of each such person who asked you that question?

Answer: _____

b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

c. What was the substance of the conversations?

Answer: _____

33. Did you ever set up such a trust?

Answer: _____

34. If you answered yes to the last question did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to see a copy of the trust?

Answer: _____

35. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

36. Did you fund the trust?

Answer: _____

37. If you answered yes to the last question did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to see proof that you had funded the trust?

Answer: _____

38. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

39. At any time before the second trial did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you had ever spent any of the life insurance proceeds for the benefit of Betsy Faria's daughters?

Answer: _____

40. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

41. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to explain why, when you were being interviewed the morning after the murder, you initially stated that you did not go in the Faria house and then you immediately corrected yourself and stated you did go in the house?

Answer: _____

42. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked for such an explanation?

Answer: _____

- b. What was the date of each such conversation, including the relative date between the question and the first trial? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

43. Did you ever have conversations with Betsy Faria in which you stated that you were going to put her name on a charity?

Answer: _____

44. If you answered yes to the last question, for each such occasion:

- a. When did the conversations occur?

Answer: _____

- b. What was the substance of the rest of the conversation?

Answer: _____

45. If you answered yes to the question before last, did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you about any such conversations?

Answer: _____

46. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question, including the relative date between the question and the first trial? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

47. At that time did any law enforcement officers or Prosecuting Attorney Leah Askey ask you what clothes you wore outside of your own home on December 11, 2011 other than the clothes and shoes you have asserted you were wearing the night before, including a white coat, khaki pants, a red t-shirt, and Nike tennis shoes?

Answer: _____

48. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

49. As to the clothes you assert you were wearing the night before did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you had been any places during the time you were wearing those clothes, such as a gas station where there would have been surveillance cameras?

Answer: _____

50. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

51. At any time did any law enforcement officers or Prosecuting Attorney Leah Askey ask you whether you disposed of any clothes or washed any clothes which you were wearing on December 27, 2011?

Answer: _____

52. If you answered yes to the last question:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

53. The morning after the murder when you showed law enforcement officers the clothes you have asserted you were wearing the night before did law enforcement officers ask to search your house?

Answer: _____

54. If you answered yes to the last question did a search occur?

Answer: _____

55. If you answered yes to the last question what parts of the house did the officers search?

Answer: _____

56. If you answered yes to the question before last did the officers search:

- a. Your washer and dryer?

Answer: _____

b. Your drains?

Answer: _____

57. At any time did any law enforcement officers or Prosecuting Attorney Leah Askey ask you whether you had noticed that there were gloves sitting on the back of the couch in the living room?

Answer: _____

58. If you answered yes to the last question:

a. What is the name of each such person who asked you that question?

Answer: _____

b. What was the date of each such question? and

Answer: _____

c. What was the substance of the conversations?

Answer: _____

59. When officers came to your home the evening of December 29, 2011, two days after the murder did any of the law enforcement officers ask to interview you separately from your husband, Mark Hupp?

Answer: _____

60. During your interviews with law enforcement the morning after the murder and the next evening did law enforcement ever ask you about any of the following topics?

a. Whether it was your regular practice to shower both at the end of the day and first thing in the morning?

Answer: _____

b. Whether you had done laundry after you came home the night before?

Answer: _____

61. At any time after the murder of Betsy Faria did law enforcement ever ask you for permission to search your vehicle?

Answer: _____

62. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you whether you had personal knowledge of whether Betsy Faria had a copy of the State Farm Change of Beneficiary Form in her house at the time of her murder?

Answer: _____

63. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

64. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you had any knowledge of how a pair of slippers with blood on them came to be in a closet off the Faria bedroom?

Answer: _____

65. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

66. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you had any knowledge of how blood came to be on a light switch cover in the Faria bedroom?

Answer: _____

67. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? and

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

68. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you killed Betsy Faria?

Answer: _____

69. If you answered yes to the last question, for each such occasion:

- a. What are the names of the officers or other persons who asked you the question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

70. Did any law enforcement officer ever ask you if you cleaned up any blood in the Faria House on the night of December 11, 2011?

Answer: _____

71. If you answered yes to the last question, for each such occasion:

- a. What are the names of the officers or other persons who asked you the question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

72. Did any law enforcement officer ever ask you if you know whether there was a paw print from the Faria dog on the back of Betsy Faria's pants?

Answer: _____

73. If you answered yes to the last question, for each such occasion:

- a. What are the names of the officers or other persons who asked you the question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

74. If you answered yes to the last question, for each such occasion:

- a. What are the names of the officers or other persons who asked you the question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

75. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you for copies of any financial statements which would show your assets and/or liabilities for any time period whatsoever?

Answer: _____

76. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

77. Before the second trial did any law enforcement officers or Prosecuting Attorney Leah Askey ever state to you that your story had changed so much that you were no longer a reliable witness?

Answer: _____

78. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who said such thing to you?

Answer: _____

b. When did the conversations occur?

Answer: _____

c. What was the substance of the conversations?

Answer: _____

79. Before the second trial did any law enforcement officers or Prosecuting Attorney Leah Askey ever tell you why you would not be testifying at the second trial?

Answer: _____

80. If you answered yes to the last question, for each such occasion:

a. What is the name of each such person who asked you that question?

Answer: _____

b. What was the date of each such question? And

Answer: _____

c. What was the substance of the conversations?

d. Answer: _____

81. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to explain any discrepancies in your various stories about the events which occurred both at the Faria residence and after you left the Faria residence on the evening of December 11, 2011?

Answer: _____

82. If you answered yes to the last question, for each such occasion:

a. What is the name of each such person who asked you that question?

Answer: _____

b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

83. Particularly did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to explain why in the days after the murder you first stated that the last time you saw Betsy Faria she was on her couch and you then stated that the last time you saw Betsy Faria she was at the door waving?

Answer: _____

84. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?
- b. What was the date of each such question? and
- c. What was the substance of the conversations?

85. Particularly did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to explain why you have made claims as to your whereabouts between 7:00 p.m. and 9:00 p.m. on December 27, 2011 which are inconsistent with your cell phone tracking records for that time period?

Answer: _____

86. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

87. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you to produce any medical documentation as proof of your claim that you have memory problems?

Answer: _____

88. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

89. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if anyone was a witness to the event at the birthday party in which you assert Russ Faria said he was going to stab you?

Answer: _____

90. If you answered yes to the last question, for each such occasion:

- a. What is the name of each such person who asked you that question?

Answer: _____

- b. What was the date of each such question? And

Answer: _____

- c. What was the substance of the conversations?

Answer: _____

91. Did any law enforcement officers or Prosecuting Attorney Leah Askey ever ask you if you killed Betsy Faria?

Answer: _____

92. If you answered yes to the last question, for each such occasion:

a. What are the names of the officers or other persons who asked you the question?

Answer: _____

b. When did the conversations occur?

Answer: _____

c. What was the substance of the conversations?

Answer: _____

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2018 the foregoing was sent by e-mail to all counsel of record:

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I hereby verify and affirm that I have read and understood this document. I declare under oath and under penalty of perjury that to the best of my knowledge all the statements in the document are true and correct.

Pamela Hupp

State of Missouri)
) ss
County of St. Charles)

Subscribed and sworn before me this _____, 2018.

Notary Public